

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-34 are presently active in this application. Claims 1-10, 12-15, 17-24, 26-30 and 32-34 are presently amended to more clearly define the invention to be clearly supported by FIGS. 1-3, for example, and their description in the specification.

The Examiner's Answer and the outstanding Action presented a rejection of Claims 1-34 under the second paragraph of 35 U.S.C. §112, a rejection of Claims 1-3, 5-28, and 30-34 under 35 U.S.C. §103 over Bosco et al. (U.S. Patent No. 5,191,552, Bosco) in view of Tauhert ("Merger of the Century"), and a rejection of Claims 4 and 29 under 35 U.S.C. §103 over Bosco in view of Tauhert and "Official Notice."

a.) The rejection under 35 U.S.C. §112, second paragraph

The present amendment is respectfully submitted to overcome this rejection in terms of the showing of FIGS. 1-3 that must be considered in determining the meaning of the terminology in the claims as noted in the appeal brief, hereby incorporated by reference. which is fully support by Figure 2 of the drawings is both defined and sufficient to overcome the outstanding rejection.

b.) The rejection under 35 U.S.C. §103

The fundamental error in the rejection of Appellant's claims under 35 U.S.C. §103 remains the error the failure of the relied on prior art references to disclose or suggest the claimed recitations of the operating software application recited in the combination of Claim 1 and method of Claim 18. The rejection of Applicant's Claims 1-3, 5-28, and 30-34 under 35 U.S.C. §103(a) as being unpatentable over Bosco et al (hereinafter Bosco) in view of Tauhert is based on an improper contention.

The improper contention is that the subject matter of the claims is limited to the noted Bosco teachings of:

- a central processing including software essentially having one software application with control and processing programs to form policy processing data bases to handle multiple policy functions in the management of insurance policies; (Figures 10, 12-13; col. 2, line 5 – col. 3, line 45; col. 4, line 57 – col. 6, line 19; col. 21, line 32 – col. 22, line 7; col. 29, line 48 – col. 31, line 11).”

This restructured expression of the first phase of the first paragraph of Applicant's Claim 1 erroneously omits from consideration the recitation that the operating software application operates as follows:

1) The operating software application being operative to build the commercial lines insurance policy from a selected one of a standard form or an added form (Claim 1).

2). Using said operating software application to build a selected commercial lines insurance policy from one of said commercial lines insurance policies selected by the user enabled interface (Claim 14).

Such omission of considering the actual claim limitations is a violation of precedent. See *In re Wilson*, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970) (if no reasonably definite meaning can be ascribed to certain claim language, the claim is indefinite, not obvious) and *In re Steele*, 305 F.2d 859, 134 USPQ 292 (CCPA 1962) (it is improper to rely on speculative assumptions regarding the meaning of a claim and then base a rejection under 35 U.S.C. 103 on these assumptions).

As none of Tauhert or the subject matter of the “Official Notice” cure these deficiencies of Bosco, the 35 U.S.C. §103 rejections are traversed.

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that no further issues remain outstanding in the present application, and that this application is clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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